

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:03-CR-156-1H  
No. 5:16-CV-85-H

JAMES DAVID SMITH,  
Petitioner,

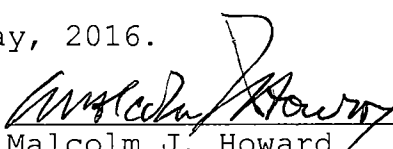
v.

UNITED STATES OF AMERICA,  
Respondent.

**ORDER**

This matter is before the court on its own motion to review its order staying the instant case pending the United States Supreme Court's decision in Welch v. United States, \_\_ U.S. \_\_, No. 15-6418, 2016 WL 1551144 (U.S. Apr. 18, 2016). In light of the Supreme Court's recent decision in Welch, the court hereby LIFTS the stay in this case and DIRECTS the government to file a response to petitioner's motion to vacate pursuant to 28 U.S.C. § 2255 within thirty (30) days of entry of this order. Petitioner may file a reply within ten (10) days of the government's response.

This 16<sup>th</sup> day of May, 2016.

  
Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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